

Office of the Attorney General
State of LOUISIANA

Opinion No. 78-1379
November 16, 1978

71--MUNICIPALITIES

71-1-1 MUNICIPAL FIRE & POLICE

107--SHERIFFS

Sick benefits provided in R.S. 33:2214 are in addition to benefits provided under civil service law. R.S. 33:221 R.S. 33:2211

Mr. Lloyd R. Walters
City Attorney
747 Roberts Road
P. O. Drawer Q
Slidell, LOUISIANA 70459

Dear Mr. Walters:

Your letter addressed to this office has been referred to the undersigned for attention and reply. Therein, you posed the following questions regarding the application of R.S. 33:2211 et seq., to sick leave taken by police employees in Slidell:

1. What conditions of illness allow an employee to use the sick leave defined in the statute?
2. May the sick leave be used for any and all illness, including short term illnesses, such as colds, flu, etc.?
3. May the sick leave be used for illness or injury received while an employee is off duty?
4. Does the statute require that police departments pay the entirety of the sick leave out of their operating budgets if workmen's compensation does not apply?
5. Does the statute require that the fifty-two week sick leave be in addition to whatever sick leave benefits an employee accrues under civil service, or does the statute intend the sick leave to be in place of civil service benefits?
6. If the sick leave defined under the statute is in addition to civil service benefits, must the civil service sick leave be exhausted before an employee is entitled to the sick leave defined by the statute?

In answering your first question, R.S. 33:2214, as amended, provides in subsection B that 'Each employee of the police departments of the municipalities covered by this Subpart shall be entitled to and given with full

pay a sick leave aggregating not less than fifty-two (52) weeks during any calendar year when the conditions actually warrant . . . ' We concur with your opinion that the employee is entitled to the sick leave benefits if he is unable to perform his duties because of illness, injury or disease.

In answering your second question, it is also our opinion that there are no limitations under this statute in that the leave may be used for short term illnesses such as colds.

In answering your third question, it is our opinion that the sick leave benefits would cover an illness, injury or disease contracted while the employee is off duty if as the statute provides ' . . . the conditions actually warrant . . . ' .

In answering your fourth question, it is our opinion that, if the benefits in question have been set aside in the budget for the police department, then the benefits should be paid out of that budget. If not, then the benefits should be paid out of the city's general fund.

In answering your fifth question, it is our opinion that the sick leave benefits provided in R.S. 33:2214 are in addition to any sick leave benefits provided under civil service law as stated in R.S. 33:2217.

In answering your last question, since R.S. 33:2217 provides that 'Nothing contained in this Sub-part shall repeal or supersede any civil service law', then if so provided, the employee must exhaust the civil service benefits first before becoming entitled to the benefits under R.S. 33:2214.

We trust that this is responsive to your questions. If further assistance is needed, please contact this office.

Very truly yours,

William J. Guste, Jr
Attorney General

By: Robert L. Danner, Jr.
Assistant Attorney General

La. Atty. Gen. Op. No. 78-1379, 1978 WL 32504 (La.A.G.)
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